

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT CRAGO, et al.,

Plaintiffs,

v.

CHARLES SCHWAB & CO., INC., et al.,

Defendants.

Case No. [16-cv-03938-RS](#)

**ORDER DENYING MOTION TO
CERTIFY ORDER DENYING MOTION
TO DISMISS THE SECOND AMENDED
COMPLAINT**

Defendant Charles Schwab brings a motion to certify a portion of the Court's December 5, 2017, order denying its motion to dismiss the Second Amended Complaint. Pursuant to Civil Local Rule 7-1(b), the motion is suitable for disposition without oral argument, and the hearing set for February 1, 2018, is vacated. Under 28 U.S.C. § 1292(b), a non-final order may be certified for immediate appeal on the grounds "(1) that there [is] a controlling question of law, (2) that there [are] substantial grounds for difference of opinion, and (3) that an immediate appeal may materially advance the ultimate termination of the litigation." *In re Cement Antitrust Litig.*, 673 F.2d 1020, 1026 (9th Cir. 1982). Because none of these requirements is met, the motion is denied.

IT IS SO ORDERED.

Dated: January 24, 2018


RICHARD SEEBORG
United States District Judge